

AMENDED IN SENATE JUNE 23, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1758**

**Introduced by Committee on Budget (Oropeza (Chair), Bermudez, Chan, Chu, Diaz, Dutra, Dymally, Goldberg, Hancock, Jackson, Liu, Montanez, Nakano, Pavley, Reyes, Simitian, and Wolk)**

March 11, 2003

---

~~An act relating to the Budget Act of 2003.~~ *An act to amend Section 30061 of, and to add Section 19851.1, to the Government Code, to amend Sections 6035, 6036, 6040, 6051, and 6129 of, and to repeal Sections 6037, 6041, 6042, and 6043 of, the Penal Code, to repeal Section 14669.20 of the Government Code, and to amend Sections 912 and 912.1 of the Welfare and Institutions Code, relating to corrections, and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1758, as amended, Committee on Budget. ~~Budget Act of 2003~~  
*Corrections.*

~~This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2003.~~

*(1) Existing law establishes a state policy that the workweek of state employees is 40 hours, and the workday of state employees is 8 hours, except that workweeks and workdays of a different number of hours may be established to meet the varying needs of different state agencies. Existing law also establishes a state policy of avoiding the necessity for overtime work whenever possible.*

*This bill would require the Department of Corrections to establish a standardized overtime cap for correctional officers not to exceed 80*

hours per month. The bill would not relive the state of any obligation under a memorandum of understanding for State Bargaining Unit 6 in effect on January 1, 2004, and approved pursuant to the Ralph C. Dills Act, relating to hours of work, overtime, or alternative work schedules.

(2) Existing law establishes in each county treasury a Supplemental Law Enforcement Services Fund that receives from the Controller an annual allocation of state funds. Moneys from this fund are required to be allocated by the county auditor to the county, each city located within that county, and designated districts providing law enforcement in accordance with specified requirements.

Existing law requires that 50% of these allocated funds be used by the county or city and county to implement a comprehensive multiagency juvenile justice plan. Existing law requires the local juvenile justice coordinating council in each county and city and county to develop a comprehensive multiagency juvenile justice plan and to submit the plan or modified plan to the Board of Corrections annually for review and approval.

This bill would authorize the use of up to \$275,000 of this allocation, as determined by the Department of Finance, by the Board of Corrections for administrative purposes.

(3) Existing law establishes the Board of Corrections, and provides for the exercise of various powers by the board, including grants of state aid to local law enforcement entities, as specified, in connection with training and standards for specified correctional personnel. Existing law requires local law enforcement entities who receive this aid to adhere to the standards for selection and training established by the board.

This bill would eliminate the authority of the board to make grants of aid to local law enforcement for purposes of training, and would make other conforming changes. This bill would provide that local law enforcement entities may adhere to the standards for selection and training established by the board.

(4) Existing law provides for the independent office of the Inspector General and provides that the Inspector General shall be appointed by the Governor, subject to Senate approval of that appointment. The Inspector General is responsible for reviewing departmental policy and procedures for conducting investigations and audits of investigatory practices and other audits and investigations of the Department of Corrections, the Department of the Youth Authority, the Board of Prison Terms, the Youthful Offender Parole Board, or the Board of Corrections,



*as requested by either the Secretary of the Youth and Adult Correctional Agency or a Member of the Legislature as specified.*

*Existing law requires the Inspector General to conduct a management review audit of any warden in the Department of Corrections, or superintendent in the Department of the Youth Authority who has held the position for more than 4 years and following confirmation of a new warden or the appointment of a new superintendent, as specified. Existing law provides that any Member of the Legislature may request a copy of the report.*

*This bill would instead provide that the Inspector General may conduct a management review audit of any warden in the Department of Corrections or superintendent in the Department of Youth Authority. This bill would provide that the public may request of copy of the report, as specified.*

*Existing law requires the Inspector General to commence an investigation within 30 days of receiving a complaint of retaliation from an employee of the Youth and Correctional Agency, the Department of Corrections, the Department of the Youth Authority, the Board of Corrections, the Board of Prison Terms, the Youthful Offender Parole Board, or the Inspector General.*

*This bill would provide that the Inspector General may conduct an investigation, as provided. The bill would also specify to whom the report or a summary thereof may be disclosed.*

*(5) Existing law authorizes the Director of General Services to purchase, exchange, or otherwise acquire real property and construct facilities, including any improvements, betterments, and related facilities, within the County of Sacramento or the City of West Sacramento, for use by the Department of Corrections and other state agencies. The Department of General Services is authorized to enter into a lease-purchase, or a lease with an option to purchase the facilities, or to contract for the acquisition, design, design-build, construction, construction management, and other services related to the design and construction of the office and parking facilities.*

*This bill would repeal those provisions.*

*(6) Existing law requires counties to pay to the Department of the Youth Authority a monthly fee for each person committed to the department from the county. The amount of the fee is either \$150 per month or, if the person committed one of a list of specified offenses, a specified percentage of the per capita institutional cost. Existing law*



defines “per capita institutional cost” as the lesser of that current cost or that cost charged to counties on January 1, 1997.

This bill would, as of July 1, 2003, require those counties to pay either \$176 per month or a specified percentage of the per capita institutional cost. The bill would redefine “per capita institutional cost” as \$36,504, adjusted annually according to increases in a specified consumer price index.

(7) Existing law establishes the Department of the Youth Authority which provides facilities and services for the confinement of wards of the juvenile court.

This bill would require the Department of the Youth Authority to close a facility with a specified design capacity no later than March 1, 2005. The bill would provide that up to 50% of an amount equal to the initial full year of savings accrued in the 2005–06 fiscal year, as calculated by the Department of Finance, resulting from the closure would be available to the department annually, subject to legislative approval and appropriation to implement a specified plan regarding priorities for the department. The bill would require that the plan be submitted to the Legislature, as specified.

(8) The bill would declare that it is to take effect immediately as an urgency statute.

Vote: ~~majority~~  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 ~~SECTION 1. It is the intent of the Legislature to enact~~  
2 ~~statutory changes relating to the Budget Act of 2003.~~

3 SECTION 1. Section 19851.1 is added to the Government  
4 Code, to read:

5 19851.1. (a) Notwithstanding Section 19851, the  
6 Department of Corrections shall establish a standardized overtime  
7 cap for correctional officers not to exceed 80 hours per month.

8 (b) This section shall not relieve the state of any obligation  
9 under a memorandum of understanding for State Bargaining Unit  
10 6 in effect on January 1, 2004, and approved pursuant to Section  
11 3517.6, relating to hours of work, overtime, or alternative work  
12 schedules.

13 SEC. 2. Section 30061 of the Government Code is amended to  
14 read:

30061. (a) There shall be established in each county treasury a Supplemental Law Enforcement Services Fund (SLESF), to receive all amounts allocated to a county for purposes of implementing this chapter.

(b) In any fiscal year for which a county receives money to be expended for the implementation of this chapter, the county auditor shall allocate moneys in the county's SLESF, including any interest or other return earned on the investment of those moneys, within 30 days of the deposit of those moneys into the fund, and shall allocate those moneys in accordance with the requirements set forth in this subdivision. However, the auditor shall not transfer those moneys to a recipient agency until the Supplemental Law Enforcement Oversight Committee certifies receipt of an approved expenditure plan from the governing board of that agency.

(1) Five and fifteen one hundredths percent (5.15%) to the county sheriff for county jail construction and operation. In the case of Madera, Napa, and Santa Clara Counties, this allocation shall be made to the county director or chief of corrections.

(2) Five and fifteen one hundredths percent (5.15%) to the district attorney for criminal prosecution.

(3) Thirty-nine and seven-tenths percent (39.7%) to the county and the cities within the county, and, in the case of San Mateo, Kern, Siskiyou, and Contra Costa Counties, also to the Broadmoor Police Protection District, the Bear Valley Community Services District, the Stallion Springs Community Services District, the Lake Shastina Community Services District, and the Kensington Police Protection and Community Services District, in accordance with the relative population of the cities within the county and the unincorporated area of the county, and the Broadmoor Police Protection District in the County of San Mateo, the Bear Valley Community Services District and the Stallion Springs Community Services District in Kern County, the Lake Shastina Community Services District in Siskiyou County, and the Kensington Police Protection and Community Services District in Contra Costa County, as specified in the most recent January estimate by the population research unit of the Department of Finance, and as adjusted to provide a grant of at least one hundred thousand dollars (\$100,000) to each law enforcement jurisdiction. For a newly incorporated city whose population estimate is not published by

1 the Department of Finance but which was incorporated prior to  
2 July 1 of the fiscal year in which an allocation from the SLESF is  
3 to be made, the city manager, or an appointee of the legislative  
4 body, if a city manager is not available, and the county  
5 administrative or executive officer shall prepare a joint  
6 notification to the Department of Finance and the county auditor  
7 with a population estimate reduction of the unincorporated area of  
8 the county equal to the population of the newly incorporated city  
9 by July 15, or within 15 days after the Budget Act is enacted, of  
10 the fiscal year in which an allocation from the SLESF is to be  
11 made. No person residing within the Broadmoor Police Protection  
12 District, the Bear Valley Community Services District, the Stallion  
13 Springs Community Services District, the Lake Shastina  
14 Community Services District, or the Kensington Police Protection  
15 and Community Services District shall also be counted as residing  
16 within the unincorporated area of the County of San Mateo, Kern,  
17 Siskiyou, or Contra Costa, or within any city located within those  
18 counties. The county auditor shall allocate a grant of at least one  
19 hundred thousand dollars (\$100,000) to each law enforcement  
20 jurisdiction. Moneys allocated to the county pursuant to this  
21 subdivision shall be retained in the county SLESF, and moneys  
22 allocated to a city pursuant to this subdivision shall be deposited  
23 in a SLESF established in the city treasury.

24 (4) Fifty percent (50%) to the county or city and county to  
25 implement a comprehensive multiagency juvenile justice plan as  
26 provided in this paragraph *and to the Board of Corrections for*  
27 *administrative purposes. This—Funding for the Board of*  
28 *Corrections, as determined by the Department of Finance, shall*  
29 *not exceed two hundred seventy-five thousand dollars (\$275,000).*  
30 *The juvenile justice plan shall be developed by the local juvenile*  
31 *justice coordinating council in each county and city and county*  
32 *with the membership described in Section 749.22 of the Welfare*  
33 *and Institutions Code. If a plan has been previously approved by*  
34 *the Board of Corrections, the plan shall be reviewed and modified*  
35 *annually by the council. The plan or modified plan shall be*  
36 *approved by the county board of supervisors, and in the case of a*  
37 *city and county, the plan shall also be approved by the mayor. The*  
38 *plan or modified plan shall be submitted to the Board of*  
39 *Corrections by May 1, 2002, and annually thereafter.*

1 (A) Juvenile justice plans shall include, but not be limited to,  
2 all of the following components:

3 (i) An assessment of existing law enforcement, probation,  
4 education, mental health, health, social services, drug and alcohol  
5 and youth services resources that specifically target at-risk  
6 juveniles, juvenile offenders, and their families.

7 (ii) An identification and prioritization of the neighborhoods,  
8 schools, and other areas in the community that face a significant  
9 public safety risk from juvenile crime, such as gang activity,  
10 daylight burglary, late-night robbery, vandalism, truancy,  
11 controlled substances sales, firearm-related violence, and juvenile  
12 substance abuse and alcohol use.

13 (iii) A local juvenile justice action strategy that provides for a  
14 continuum of responses to juvenile crime and delinquency and  
15 demonstrates a collaborative and integrated approach for  
16 implementing a system of swift, certain, and graduated responses  
17 for at-risk youth and juvenile offenders.

18 (iv) Programs identified in clause (iii) that are proposed to be  
19 funded pursuant to this subparagraph, including the projected  
20 amount of funding for each program.

21 (B) Programs proposed to be funded shall satisfy all of the  
22 following requirements:

23 (i) Be based on programs and approaches that have been  
24 demonstrated to be effective in reducing delinquency and  
25 addressing juvenile crime for any elements of response to juvenile  
26 crime and delinquency, including prevention, intervention,  
27 suppression, and incapacitation.

28 (ii) Collaborate and integrate services of all the resources set  
29 forth in clause (i) of subparagraph (A), to the extent appropriate.

30 (iii) Employ information sharing systems to ensure that county  
31 actions are fully coordinated, and designed to provide data for  
32 measuring the success of juvenile justice programs and strategies.

33 (iv) Adopt goals related to the outcome measures that shall be  
34 used to determine the effectiveness of the local juvenile justice  
35 action strategy.

36 (C) The plan shall also identify the specific objectives of the  
37 programs proposed for funding and specified outcome measures  
38 to determine the effectiveness of the programs and an accounting  
39 for all program participants, including those who do not complete

1 the programs. Outcome measures of the programs proposed to be  
2 funded shall include, but not be limited to, all of the following:

- 3 (i) The rate of juvenile arrests per 100,000 population.
- 4 (ii) The rate of successful completion of probation.
- 5 (iii) The rate of successful completion of restitution and  
6 court-ordered community service responsibilities.
- 7 (iv) Arrest, incarceration, and probation violation rates of  
8 program participants.
- 9 (v) Quantification of the annual per capita costs of the program.

10 (D) The Board of Corrections shall review plans or modified  
11 plans submitted pursuant to this paragraph within 30 days upon  
12 receipt of submitted or resubmitted plans or modified plans. The  
13 board shall approve only those plans or modified plans that fulfill  
14 the requirements of this paragraph, and shall advise a submitting  
15 county or city and county immediately upon the approval of its  
16 plan or modified plan. The board shall offer, and provide if  
17 requested, technical assistance to any county or city and county  
18 that submits a plan or modified plan not in compliance with the  
19 requirements of this paragraph. The SLESF shall only allocate  
20 funding pursuant to this paragraph upon notification from the  
21 board that a plan or modified plan has been approved.

22 (E) To assess the effectiveness of programs funded pursuant to  
23 this paragraph using the program outcome criteria specified in  
24 subparagraph (C), the following periodic reports shall be  
25 submitted:

26 (i) Each county or city and county shall report, beginning  
27 October 15, 2002, and annually each October 15 thereafter, to the  
28 county board of supervisors and the Board of Corrections, in a  
29 format specified by the Board of Corrections, on the programs  
30 funded pursuant to this chapter and program outcomes as specified  
31 in subparagraph (C).

32 (ii) The Board of Corrections shall compile the local reports  
33 and, by March 15, 2003, and annually thereafter, make a report to  
34 the Governor and the Legislature on program expenditures within  
35 each county and city and county from the appropriation for the  
36 purposes of this paragraph, on the outcomes as specified in  
37 subparagraph (C) of the programs funded pursuant to this  
38 paragraph and the statewide effectiveness of the comprehensive  
39 multiagency juvenile justice plans.

(c) Subject to subdivision (d), for each fiscal year in which the county, each city, the Broadmoor Police Protection District, the Bear Valley Community Services District, the Stallion Springs Community Services District, the Lake Shastina Community Services District, and the Kensington Police Protection and Community Services District receive moneys pursuant to paragraph (3) of subdivision (b), the county, each city, and each district specified in this subdivision shall appropriate those moneys in accordance with the following procedures:

(1) In the case of the county, the county board of supervisors shall appropriate existing and anticipated moneys exclusively to provide frontline law enforcement services, other than those services specified in paragraphs (1) and (2) of subdivision (b), in the unincorporated areas of the county, in response to written requests submitted to the board by the county sheriff and the district attorney. Any request submitted pursuant to this paragraph shall specify the frontline law enforcement needs of the requesting entity, and those personnel, equipment, and programs that are necessary to meet those needs. The board shall, at a public hearing held in September in each year that the Legislature appropriates funds for purposes of this chapter, consider and determine each submitted request within 60 days of receipt, pursuant to the decision of a majority of a quorum present. The board shall consider these written requests separate and apart from the process applicable to proposed allocations of the county general fund.

(2) In the case of a city, the city council shall appropriate existing and anticipated moneys exclusively to fund frontline municipal police services, in accordance with written requests submitted by the chief of police of that city or the chief administrator of the law enforcement agency that provides police services for that city. These written requests shall be acted upon by the city council in the same manner as specified in paragraph (1) for county appropriations.

(3) In the case of the Broadmoor Police Protection District within the County of San Mateo, the Bear Valley Community Services District or the Stallion Springs Community Services District within Kern County, the Lake Shastina Community Services District within Siskiyou County, or the Kensington Police Protection and Community Services District within Contra Costa County, the legislative body of that special district shall

1 appropriate existing and anticipated moneys exclusively to fund  
2 frontline municipal police services, in accordance with written  
3 requests submitted by the chief administrator of the law  
4 enforcement agency that provides police services for that special  
5 district. These written requests shall be acted upon by the  
6 legislative body in the same manner specified in paragraph (1) for  
7 county appropriations.

8 (d) For each fiscal year in which the county, a city, or the  
9 Broadmoor Police Protection District within the County of San  
10 Mateo, the Bear Valley Community Services District or the  
11 Stallion Springs Community Services District within Kern  
12 County, the Lake Shastina Community Services District within  
13 Siskiyou County, or the Kensington Police Protection and  
14 Community Services District within Contra Costa County  
15 receives any moneys pursuant to this chapter, in no event shall the  
16 governing body of any of those recipient agencies subsequently  
17 alter any previous, valid appropriation by that body, for that same  
18 fiscal year, of moneys allocated to the county or city pursuant to  
19 paragraph (3) of subdivision (b).

20 (e) Funds received pursuant to subdivision (b) shall be  
21 expended or encumbered in accordance with this chapter no later  
22 than June 30 of the following fiscal year. A local agency that has  
23 not met this requirement shall remit unspent SLESF moneys to the  
24 Controller for deposit into the General Fund.

25 (f) In the event that a county, a city, a city and county, or a  
26 qualifying special district does not comply with the requirements  
27 of this chapter to receive an SLESF allocation, the Controller shall  
28 revert those funds to the General Fund.

29 *SEC. 3. Section 6035 of the Penal Code is amended to read:*

30 6035. (a) For the purpose of raising the level of competence  
31 of local corrections and probation officers and other correctional  
32 personnel, the board shall adopt, and may from time to time  
33 amend, rules establishing minimum standards for the selection and  
34 training of these personnel employed by any city, county, or city  
35 and county who provide for the custody, supervision, treatment, or  
36 rehabilitation of persons accused of, or adjudged responsible for,  
37 criminal or delinquent conduct who are currently under local  
38 jurisdiction. All of these rules shall be adopted and amended  
39 pursuant to Chapter 3.5 (commencing with Section 11340) of Part  
40 1 of Division 3 of Title 2 of the Government Code.

(b) Any city, county, or city and county ~~receiving state aid pursuant to Article 3 (commencing with Section 6040)~~ shall ~~may~~ adhere to the standards for selection and training established by the board. The board may defer the promulgation of selection standards until necessary research for job relatedness is completed. ~~In such case, and until selection standards are adopted, a city, county, or city and county may receive state aid upon certification of willingness to adhere to the training standards pursuant to Section 6041.~~

(c) Minimum training standards may include, but are not limited to, basic, entry, continuation, supervisory, management, and specialized assignments.

~~(d) Selection and training standards shall apply to all local corrections and probation officers and other correctional personnel employed by jurisdictions receiving funds under Article 3 (commencing with Section 6040). Exemptions from this requirement for personnel hired prior to July 1, 1980, shall be determined by the board. For the purpose of the exemptions, the board may develop written or oral equivalency examinations, a certification process which recognizes standards equivalency through a combination of professional experience and training, or a combination of examination and certification.~~

*SEC. 4. Section 6036 of the Penal Code is amended to read:*

6036. For purposes of implementing this article, the board shall have the following powers:

(a) Approve or certify, or both, training and education courses at institutions approved by the board.

~~(b) Make such inquiries as may be necessary to determine whether every city, county, and city and county receiving state aid pursuant to this chapter is adhering to the standards for selection and training established pursuant to this chapter.~~

~~(c) Develop and operate a professional certificate program which provides recognition of achievement for local corrections and probation officers whose agencies participate in the program.~~

~~(d)~~

(c) Adopt such regulations as are necessary to carry out the purposes of this chapter.

~~(e)~~

(d) Develop and present training courses for local corrections and probation officers.

1     ~~(f)~~

2     ~~(e)~~ Perform such other activities and studies as would carry out  
3 the intent of this article.

4     *SEC. 5. Section 6037 of the Penal Code is repealed.*

5     ~~6037. In exercising its functions, the board shall endeavor to~~  
6 ~~minimize costs of administration so that a maximum of funds will~~  
7 ~~be expended for the purpose of providing training and other~~  
8 ~~services to eligible corrections and probation departments.~~

9     *SEC. 6. Section 6040 of the Penal Code is amended to read:*

10    6040. There is hereby created in the State Treasury a  
11 Corrections Training Fund, which is hereby appropriated, without  
12 regard to fiscal years, exclusively for the costs of administration,  
13 the development of appropriate standards, the development of  
14 training, ~~and program evaluation, and grants to local government~~  
15 pursuant to this article.

16    *SEC. 7. Section 6041 of the Penal Code is repealed.*

17    ~~6041. Any city, county, or city and county which desires to~~  
18 ~~receive state aid pursuant to this article shall make application to~~  
19 ~~the board for such aid. The initial application shall be accompanied~~  
20 ~~by a certified copy of an ordinance adopted by the governing body~~  
21 ~~providing that, while receiving any state aid pursuant to this~~  
22 ~~article, the city, county, or city and county, will adhere to the~~  
23 ~~standards for selection and training established by the board. The~~  
24 ~~application shall contain such information as the board may~~  
25 ~~request.~~

26    *SEC. 8. Section 6042 of the Penal Code is repealed.*

27    ~~6042. The board shall annually allocate and the State~~  
28 ~~Treasurer shall periodically pay from the Corrections Training~~  
29 ~~Fund, at intervals specified by the board, to each city, county, or~~  
30 ~~city and county which has applied and qualified for aid pursuant~~  
31 ~~to this article an amount determined by the board pursuant to~~  
32 ~~standards set forth in its regulations. In no event shall any~~  
33 ~~allocation be made to any city, county, or city and county which~~  
34 ~~is not adhering to the selection and training standards established~~  
35 ~~by the board as applicable to such city, county, or city and county.~~

36    *SEC. 9. Section 6043 of the Penal Code is repealed.*

37    ~~6043. Peace officer personnel, whose jurisdictions are~~  
38 ~~eligible for training subvention pursuant to Chapter 1~~  
39 ~~(commencing with Section 13500) of Title 4 of Part 4 shall not be~~  
40 ~~eligible to receive funds under this article, except that peace~~

~~officers assigned full time to correctional duties may undergo training in correctional subjects and their jurisdictions may receive funds under this article for such training.~~

*SEC. 10. Section 6051 of the Penal Code is amended to read:*

6051. The Inspector General ~~shall~~ *may* conduct a management review audit of any warden in the Department of Corrections or superintendent in the Department of the Youth Authority ~~who has held his or her position for more than four years. The Inspector General shall conduct a management review audit following the confirmation of a new warden or the appointment of a new superintendent unless the Inspector General determines that the audit is not warranted at that time. The~~ management review audit shall include, but not be limited to, issues relating to personnel, training, investigations, and financial matters. The audit report shall be submitted to the secretary of the agency, and the respective director for evaluation and for any response deemed necessary. Any Member of the Legislature *or the public* may request and shall be provided with a copy of any audit ~~report by the Inspector General, including a management review audit or a special audit or review.~~ A report that involves potential criminal investigations or prosecution *or security practices and procedures* shall be considered confidential, *and its disclosure shall not be required under this section.*

*SEC. 11. Section 6129 of the Penal Code is amended to read:*

6129. (a) (1) For purposes of this section, “employee” means any person employed by the Youth and Adult Correctional Agency, the Department of Corrections, the Department of the Youth Authority, the Board of Corrections, the Board of Prison Terms, the Youthful Offender Parole Board, or the Inspector General.

(2) For purposes of this section, “retaliation” means intentionally engaging in acts of reprisal, retaliation, threats, coercion, or similar acts against another employee who has done either of the following:

(A) Has disclosed or is disclosing to any employee at a supervisory or managerial level, what the employee, in good faith, believes to be improper governmental activities.

(B) Has cooperated or is cooperating with any investigation of improper governmental activities.

(b) (1) Upon receiving a complaint of retaliation from an employee, the Inspector General ~~shall~~ *may* commence an investigation ~~within 30 days of receiving the complaint~~. All investigations conducted pursuant to this section shall be performed, where applicable, in accordance with the requirements of Chapter 9.7 (commencing with Section 3300) of Title 1 of Division 4 of the Government Code.

(2) When investigating a complaint, in determining whether retaliation has occurred, the Inspector General shall consider, among other things, whether any of the following either actually occurred or were threatened:

(A) Unwarranted or unjustified staff changes.

(B) Unwarranted or unjustified letters of reprimand or other disciplinary actions, or unsatisfactory evaluations.

(C) Unwarranted or unjustified formal or informal investigations.

(D) Engaging in acts, or encouraging or permitting other employees to engage in acts, that are unprofessional, or foster a hostile work environment.

(E) Engaging in acts, or encouraging or permitting other employees to engage in acts, that are contrary to the rules, regulations, or policies of the workplace.

(3) Upon authorization of the complainant employee, the Inspector General may release the findings of the investigation of alleged retaliation to the State Personnel Board for appropriate action.

(c) Any employee at any rank and file, supervisory, or managerial level, who intentionally engages in acts of reprisal, retaliation, threats, coercion, or similar acts against another employee, pursuant to paragraph (2) of subdivision (a), shall be disciplined by adverse action as provided in Section 19572 of the Government Code. If no adverse action is taken, the State Personnel Board shall invoke adverse action proceedings as provided in Section 19583.5 of the Government Code.

(d) (1) In addition to all other penalties provided by law, including Section 8547.8 of the Government Code or any other penalties that the sanctioning authority may determine to be appropriate, any state employee at any rank and file, supervisory, or managerial level found by the State Personnel Board to have intentionally engaged in acts of reprisal, retaliation, threats, or

1 coercion shall be suspended for not less than 30 days without pay,  
2 and shall be liable in an action for damages brought against him  
3 or her by the injured party. If the State Personnel Board determines  
4 that a lesser period of suspension is warranted, the reasons for that  
5 determination must be justified in writing in the decision.

6 (2) Punitive damages may be awarded by the court if the acts  
7 of the offending party are proven to be malicious. If liability has  
8 been established, the injured party also shall be entitled to  
9 reasonable attorney's fees as provided by law.

10 (e) Nothing in this section shall prohibit the employing entity  
11 from exercising its authority to terminate, suspend, or discipline  
12 an employee who engages in conduct prohibited by this section.

13 (f) The Inspector General, the Youth and Adult Correctional  
14 Agency, the Department of the Youth Authority, the Department  
15 of Corrections, the Board of Corrections, the Youthful Offender  
16 Parole Board, and the Board of Prison Terms shall refer matters  
17 involving criminal conduct to the proper law enforcement  
18 authorities in the appropriate jurisdiction for further action. The  
19 entity making a referral to the local district attorney shall also  
20 notify the Attorney General of the action. If the local district  
21 attorney refuses to accept the case, he or she shall notify the  
22 referring entity who shall subsequently refer the matter to the  
23 Attorney General. If the local district attorney has not acted on the  
24 matter, the referring entity shall notify the Attorney General. It is  
25 the intent of the Legislature that the Department of Justice avoid  
26 any conflict of interest in representing the State of California in  
27 any civil litigation that may arise in a case in which an  
28 investigation has been or is currently being conducted by the  
29 Bureau of Investigation by contracting when necessary for private  
30 counsel.

31 (g) *Upon the completion of any investigation, the Inspector*  
32 *General shall prepare a written report, which shall be held as*  
33 *confidential and disclosed in confidence, only to the Secretary of*  
34 *the Youth and Adult Correctional Agency, the Governor, and the*  
35 *appropriate director or law enforcement agency. A summary of the*  
36 *report's findings and conclusions shall be made available, upon*  
37 *request, to the person who requested the investigation, the person*  
38 *or persons who were the subjects of the investigation, and to any*  
39 *Member of the Legislature.*

(h) Nothing in this section shall preclude the office of the Inspector General from following all applicable laws regarding confidentiality, including, but not limited to, the California Public Records Act, the Public Safety Officers Procedural Bill of Rights, the Information Practices Act of 1977, the Confidentiality of Medical Information Act, and the provisions of Section 832.7 relating to the disposition notification for complaints against peace officers.

SEC. 12. Section 14669.20 of the Government Code is repealed.

~~14669.20. (a) Subject to paragraphs (2) and (3) of subdivision (b), the director may purchase, exchange, or otherwise acquire real property and construct facilities, including any improvements, betterments, and related facilities, within the County of Sacramento or the City of West Sacramento pursuant to this section, for use by the Department of Corrections and other state agencies. The department may enter into a lease-purchase, or a lease with an option to purchase the facilities, or may contract for the acquisition, design, design-build, construction, construction management, and other services related to the design and construction of the office and parking facilities authorized to be acquired pursuant to this section. The total authorized scope of the project shall not exceed 750,000 gross square feet of office facilities and the total authorized costs of the facilities, including land acquisition, preliminary plans, working drawings, construction, and other costs shall not exceed one hundred sixty million dollars (\$160,000,000), excluding any additional sums necessary to pay interim and permanent financing costs. Notwithstanding Section 13332.11, the State Public Works Board may authorize the augmentation of the costs authorized in the annual Budget Act pursuant to this paragraph by up to 10 percent of the amount authorized. The department shall acquire the facility on a site that permits future expansion of the facility authorized by this section, if evaluations of future Department of Corrections' headquarters workload indicates that future expansion of the facility may be warranted.~~

~~(b) (1) The State Public Works Board may issue revenue bonds, negotiable notes, or negotiable bond anticipation notes pursuant to Chapter 5 (commencing with Section 15830) of Part 40b of Division 3 to finance all costs associated with acquisition,~~

design, and construction of office and parking facilities for the purposes of this section. The State Public Works Board and the department may borrow funds for project costs from the Pooled Money Investment Account pursuant to Sections 16312 and 16313. In the event the bonds authorized by the project are not sold, the Department of Corrections shall commit a sufficient amount of its support appropriation to repay any loans made for the project from the Pooled Money Investment Account. It is the intent of the Legislature that this commitment shall be included in future Budget Acts until all outstanding loans from the Pooled Money Investment Account are repaid either through the proceeds from the sale of bonds or from an appropriation.

(2) (A) If the department proposes to acquire the facilities on a design-build basis, prior to the department entering into an agreement pursuant to subdivision (a) to design and build the facilities, the department shall submit to the Legislature a copy of all documents that shall be the basis upon which bids will be solicited and awarded to design and build the facilities. The documents shall include the following:

- (i) The request for qualifications.
- (ii) Site development guidelines.
- (iii) Architectural and all system design requirements for the facilities.
- (iv) Notwithstanding any other provision of law, the recommended specific criteria and process by which the contractor shall be selected.

(v) The performance criteria and standards for the architecture and all components and systems of the facilities.

(B) The information in the documents shall be provided in at least as much detail as was prepared for the San Francisco Civic Center Complex project and shall cover the quality of materials, equipment, and workmanship to be used in the facilities. These documents shall also include a detailed and specific space program for the facilities that identifies the specific spatial needs of the state agencies.

(C) If the department proposes to contract for construction separate from design, the department shall, prior to commencing work on working drawings for the facilities authorized in this section, submit to the Legislature a copy of the preliminary plans for the facilities and a detailed and specific space program for the

1 facilities that identifies the specific spatial needs of the state  
2 agencies.

3 (D) Regardless of how the department proposes to acquire the  
4 facilities, the department also shall submit all of the following  
5 information, which may be included in the bid documents:

6 (i) A final estimated cost for design, construction, and other  
7 costs.

8 (ii) How the department would manage the contracts entered  
9 into for this project to ensure compliance with contract  
10 requirements and to ensure that the state receives the highest level  
11 of quality workmanship and materials for the funds spent on the  
12 project.

13 (E) If the department proposes to acquire the facility pursuant  
14 to a lease purchase agreement or a lease with an option to  
15 purchase, prior to executing an agreement to lease the facilities, the  
16 department shall submit to the Legislature a report that includes  
17 the site for the proposed facilities, the size of the facilities, the site  
18 characteristics, including, but not limited to, its proximity to  
19 public transit, the proposed lease terms, and any proposed terms  
20 concerning the exercise of any option to purchase the facilities.

21 (3) The department shall submit to the Legislature the  
22 information required to be submitted pursuant to paragraphs (2)  
23 and (5), notwithstanding Section 7550.5. Except for those  
24 contracts and agreements necessary to prepare the information  
25 required by paragraphs (2) and (5), the department shall not solicit  
26 bids to enter into any agreement to design and build or otherwise  
27 acquire the facilities, commence work on working drawings, or  
28 enter into an agreement to lease the facilities authorized in this  
29 section sooner than 120 days after the department submits to the  
30 Legislature the information required to be submitted pursuant to  
31 paragraphs (2) and (5). The Legislative Analyst shall evaluate the  
32 information submitted to the Legislature and shall prepare a report  
33 to the Joint Legislative Budget Committee within 60 days of  
34 receiving the documents submitted to the Legislature. It is the  
35 intent of the Legislature that the Joint Legislative Budget  
36 Committee meet prior to the date the department is authorized to  
37 solicit bids to design and build or otherwise acquire the facilities,  
38 commence work on working drawings, or enter into an agreement  
39 to lease the facilities for the purposes of discussing the report from  
40 the Legislative Analyst and adopting a report with any

1 ~~recommendations to the department on changes to the site design~~  
2 ~~criteria, performance criteria, and specifications and specific~~  
3 ~~criteria for determining the winning bidder. If the Joint Legislative~~  
4 ~~Budget Committee adopts a report prior to the date the department~~  
5 ~~is authorized to solicit bids to design and build or otherwise~~  
6 ~~acquire the facilities, commence work on working drawings, or~~  
7 ~~enter into an agreement to lease the facilities, the department may~~  
8 ~~solicit the bids, commence the work, or enter into an agreement to~~  
9 ~~lease the facilities when the report is adopted by the Joint~~  
10 ~~Legislative Budget Committee. The department shall submit~~  
11 ~~periodic progress reports to the Joint Legislative Budget~~  
12 ~~Committee while preparing the documents, including a draft of~~  
13 ~~any request for proposals.~~

14 ~~(4) The amount of revenue bonds, negotiable notes, or~~  
15 ~~negotiable bond anticipation notes to be sold may equal, but shall~~  
16 ~~not exceed, the cost of land acquisition, planning, preliminary~~  
17 ~~plans, working drawings, construction, construction management~~  
18 ~~and supervision, other costs relating to the design and construction~~  
19 ~~of the facilities, and any additional sums necessary to pay interim~~  
20 ~~and permanent financing costs. The additional amount may~~  
21 ~~include interest and a reasonable required reserve fund.~~

22 ~~(5) The net present value of the cost to acquire and operate the~~  
23 ~~facilities authorized in this section may not exceed the net present~~  
24 ~~value of the cost to lease and operate an equivalent amount of~~  
25 ~~comparable office space over the same time period. The~~  
26 ~~department shall perform this analysis and shall obtain interest~~  
27 ~~rates, discount rates, and Consumer Price Index figures from the~~  
28 ~~Treasurer and submit its analysis with the documents submitted~~  
29 ~~pursuant to paragraph (2). For purposes of this analysis, the~~  
30 ~~department shall compare the cost of acquiring and operating the~~  
31 ~~proposed facilities with the avoided cost of leasing and operating~~  
32 ~~an equivalent amount of comparable office space that will no~~  
33 ~~longer need to be leased because the agencies will no longer~~  
34 ~~occupy currently leased facilities when they occupy the proposed~~  
35 ~~facilities.~~

36 ~~(e) The director may execute and deliver a contract with the~~  
37 ~~State Public Works Board for the lease of the facilities described~~  
38 ~~in this section that are financed with the proceeds of the board's~~  
39 ~~bonds, notes, or bond anticipation notes issued in accordance with~~  
40 ~~this section.~~

1     *SEC. 13. Section 912 of the Welfare and Institutions Code is*  
2     *amended to read:*

3     912. Effective ~~January 1, 1997~~ *July 1, 2003*, for each person  
4     committed to the Department of the Youth Authority, the county  
5     from which he or she is committed shall pay the state one hundred  
6     ~~fifty seventy-six dollars (\$150)~~ *(\$176)* per month for the time that  
7     person remains in any institution under the direct supervision of  
8     the Department of the Youth Authority, or in any institution,  
9     boarding home, foster home, or other private or public institution  
10    in which he or she is placed by the Department of the Youth  
11    Authority, on parole or otherwise, and cared for and supported at  
12    the expense of the Department of the Youth Authority. This section  
13    applies to any person committed to the Department of the Youth  
14    Authority by a juvenile court, including persons committed to the  
15    Department of the Youth Authority prior to ~~January 1, 1997~~ *July*  
16    ~~1, 2003~~, who on or after ~~January 1, 1997~~ *July 1, 2003*, remain in  
17    or return to the facilities described in this section.

18    The Department of the Youth Authority shall present to the  
19    county, not more frequently than monthly, a claim for the amount  
20    due the state under this section, which the county shall process and  
21    pay pursuant to the provisions of Chapter 4 (commencing with  
22    Section 29700) of Division 3 of Title 3 of the Government Code.

23    *SEC. 14. Section 912.1 of the Welfare and Institutions Code*  
24    *is amended to read:*

25    912.1. (a) The Department of the Youth Authority shall  
26    present to each county, not more frequently than monthly, a  
27    statement of per capita institutional cost.

28    (b) ~~As used in this section of July 1, 2003, “per capita~~  
29    ~~institutional cost” cost,” as used in this section and Section 912.5,~~  
30    ~~means the lesser of (1) the current per capita institutional cost of~~  
31    ~~the department or (2) the per capita institutional cost the~~  
32    ~~department charged counties pursuant to Section 912.5 as of~~  
33    ~~January 1, 1997 thirty-six thousand five hundred four dollars~~  
34    ~~(\$36,504).~~

35    (c) *The “per capita institutional cost” set forth in subdivision*  
36    ~~(b) shall be adjusted annually, on July 1, to reflect any increases~~  
37    ~~in the California Consumer Price Index for All Urban Consumers,~~  
38    ~~as published by the California Department of Industrial Relations,~~  
39    ~~based on regional data from the United States Department of~~  
40    ~~Labor, Bureau of Labor Statistics.~~

1     *SEC. 15. (a) The Department of the Youth Authority shall*  
2     *close a facility with a design capacity of at least 640 as identified*  
3     *by the department, no later than March 1, 2005. Up to 50 percent*  
4     *of an amount equal to the initial full year of savings accrued in the*  
5     *2005–06 fiscal year, as calculated by the Department of Finance,*  
6     *resulting from this closure shall be available to the department*  
7     *annually, subject to Legislative approval and appropriation*  
8     *through the budget process, to implement a plan as provided in this*  
9     *section.*

10    *(b) The plan shall be developed by an advisory committee*  
11    *chaired by the director of the department or his or her designee,*  
12    *and shall include, at a minimum, a department representative*  
13    *experienced in institutional treatment services, a department*  
14    *representative currently working in parole services, a member of*  
15    *the Youth Authority Board, a victim’s representative*  
16    *knowledgeable about the department, one chief probation officer,*  
17    *one administrator of a group home serving delinquent youth, a*  
18    *juvenile justice advocate experienced in matters pertaining to the*  
19    *department, a mental health professional knowledgeable about*  
20    *the treatment needs of delinquent youth, a representative from the*  
21    *Assembly, a representative from the Senate, and any other person*  
22    *identified by the director. The plan shall include any quantifiable*  
23    *savings from reduced recidivism. The plan shall describe*  
24    *strategies to implement the following priorities for the department,*  
25    *and shall identify appropriate benchmarks to measure the success*  
26    *of the department in implementing the following priorities:*

27    *(1) Enhanced parole services to improve ward performance*  
28    *upon release and enhance long-term public safety, including*  
29    *transitional housing, vocational and educational counseling and*  
30    *placement, maintenance of substance abuse treatment protocols,*  
31    *and improved supervision designed to ensure parole success.*

32    *(2) Improved mental health professional staff-to-ward ratios.*

33    *(3) Improved diagnosis and treatment of wards who require*  
34    *mental health treatment, including the prompt mental health*  
35    *assessment of wards upon intake and effective subsequent*  
36    *institutional care.*

37    *(4) Improved sex offender treatment, including expanding*  
38    *treatment availability to include more wards who are sex*  
39    *offenders.*

1 (5) Improved institutional substance abuse treatment services,  
2 including expanding treatment availability to serve more wards  
3 requiring treatment and condensing the duration of these services  
4 in conformity with best practices identified by the professional  
5 substance abuse treatment community.

6 (6) The development and implementation of a statistically  
7 significant methodology for tracking the ward population for no  
8 less than five years after release from the department's custody for  
9 the purposes of measuring recidivism, including, but not limited to,  
10 tracking arrests and convictions.

11 (7) Other priorities as the director deems appropriate.

12 (c) The plan required by this section shall be submitted to the  
13 Legislature at the same time the Governor's May revision of the  
14 budget is submitted to the Legislature in May of 2004.

15 SEC. 16. This act is an urgency statute necessary for the  
16 immediate preservation of the public peace, health, or safety  
17 within the meaning of Article IV of the Constitution and shall go  
18 into immediate effect. The facts constituting the necessity are:

19 In order to provide for the orderly implementation of the Budget  
20 Act of 2003, it is necessary for this act to take effect immediately.

